

**CAMBRIDGE MUNICIPAL COURT
150 HIGHLAND AVENUE, SUITE 1
CAMBRIDGE OH 43725**

**PHONE: 740-439-5585 OR 740-439-1430
FAX: 740-439-5666**

**STEPHANIE L. WILLIAMS, JUDGE
LOCAL COURT RULES
REVISED JUNE 12, 2024**

ADMINISTRATIVE RULES

1.0 SCOPE AND EFFECTIVE DATE:

These rules are adopted as Local Rules of Court governing practice and procedure in the Cambridge Municipal court. They are adopted pursuant to the Court's authority as set forth in the Ohio Rules of Civil and Criminal Procedure and Rules of Superintendence. These rules may be cited as "C.M.C. Rule ()".

They are effective as of February 1, 2024 and shall govern all proceedings filed subsequent to that date. All prior rules are vacated.

2.00 COURT SESSIONS:

The hours for court sessions and for the Municipal Clerk's Office are 8:00 a.m. until 4:00 p.m. Monday through Friday unless otherwise ordered by the Judge, or a legal holiday. Pre-scheduled arraignments shall be held each Wednesday beginning at 8:30am. All other arraignments shall be held each day beginning at 1:00 p.m.

3.00 MAGISTRATE AND ACTING JUDGES:

A Magistrate may be appointed by the presiding Judge and, if appointed, will have all the authority and power set forth in the Rules of Procedure and Statutes. The Magistrate will hear all matters referred to them by the Judge of this court, and as permitted by law.

Acting Judges shall be appointed pursuant to Section 1901.10 O.R.C. and shall serve at all times when the incumbent Judge is temporarily absent or incapacitated.

4.00 MUNICIPAL COURT CLERK:

(a) The Clerk shall maintain such dockets, books of record and indices as are required by law or practical necessity as public record, utilizing microfilm and computers for storage whenever possible.

(b) The Clerk shall permit any person to make a copy of any papers filed, but original papers filed in any case shall not be removed from the office without prior authority of the Clerk.

5.00 COURT COSTS/FILING FEES:

Costs shall be determined from time to time by the presiding Judge. Schedule of costs in criminal/traffic cases is attached hereto as Appendix A. Schedule of costs in civil cases is attached hereto as Appendix B.

6.00 FILINGS BY ELECTRONIC TRANSMISSION/ FAX:

Documents may be filed electronically or fax as set forth below. A copy of any document filed electronically via email or fax shall be served upon all opposing parties or counsel as required by Ohio Rules of Procedure.

(a) Electronic Mail.

Documents may be filed by electronic transmission only to the following addresses:

Traffic/Criminal Clerk: tcfilings@cambridgemunicipalcourt.com

Civil Clerk: civilfilings@cambridgemunicipalcourt.com

(b) FAX.

Documents may be filed by FAX only to the following numbers:

Traffic/Criminal Clerk: (740) 439-5666

Civil Clerk: (740) 439-5666

6.01 ELECTRONIC SIGNATURES & RECORDS PURPOSE:

Local Rules 6.01-6.04 are established to allow the use of electronic signatures in the Court, to address the authenticity of a signature and to address the use of electronic records. If it is established that a document was electronically signed in violation of these rules, then the party shall notify the court and the opposing party of any suspected violation. If the violation is substantiated, the Judge shall order the clerk to strike the unauthorized document from the record.

6.02 SIGNATURE OF JUDGE OR MAGISTRATE:

Documents may be signed by a Judge or Magistrate with an electronic signature. All orders, decisions, entries, permits, judgments, and other documents signed in this manner shall have the same force and effect as if the Judge or Magistrate had affixed

his or her signature in a conventional manner. To ensure that the electronic signature is authentic, the signer must use a username and password to log into the court's secured network to access the document to be signed. No Judge or Magistrate shall share these passwords with others except for the Court IT Coordinator.

6.03 SIGNATURE OF COURT PERSONNEL:

Electronic signatures in case records will be limited to Court personnel. To ensure that the electronic signature is authentic, the signer must use a username and password to log into the court's secured network to access the document to be signed. No personnel shall share these passwords with others except for the Court IT Coordinator.

6.04 SIGNATURE OF ATTORNEY OR LITIGANT:

Documents may be signed by an attorney or any litigant while inside the court building or the Guernsey County Jail with an electronic signature on a signature pad or other device. To ensure that the electronic signature is authentic, the signature must be created in the presence of court personnel. Then, the signer or the court personnel that witnessed the signature shall immediately submit the record to the appropriate electronic filing process.

6.05 SEALING OF RECORDS:

Applications for Sealing of Court Records shall be made on the form approved by the court. The clerk shall make the court form readily available upon request and the form is to be posted on the court web site.

7.00 RECORDING OF ALL PROCEEDINGS:

(a) Pursuant to Rule 11 (A) of the Rules of Superintendence for the Courts of Ohio, the official method for recording court proceedings shall be by audio-electronic recording devices. If counsel or a party desires a court reporter, then the counsel or party must make their own arrangements for the presence and payment of a court reporter.

(b) A person may request, in writing, a full or partial transcript of any court proceeding using the form approved and provided by the court, or upon written motion. The court, once the designated fee is paid or waived by order of the judge or magistrate, will provide an electronic recording of the proceeding. If the person wishes a typewritten transcript, then payment arrangements are to be made with the court's designated court reporting service who will prepare the typewritten transcript.

(c) All audio recordings of proceedings shall be maintained in the custody of the clerk for a period of one year.

7.01 USE OF ELECTRONIC AND OTHER DEVICES

(a) Except as may otherwise be permitted by Local Rule or prior order of the Court, all electronic, photographic or video graphic devices (including cell phones and/or any other device capable of recording audio or video) are prohibited from being conveyed into or possessed within the offices of the Cambridge Municipal Court. The owner of the device is encouraged to not bring the device to the courthouse. Any such device brought into the courthouse will be secured in a locker located at the security station at the entrance to the courthouse. The device will be returned when the person leaves the courthouse. The court will not be responsible for any loss, theft, or damage to the device. Courthouse employees, attorneys, victim advocates, public officials and others specifically authorized by the court are exempt from this rule.

(b) In no event shall any device permitted within the courthouse be used to audio or video record court proceedings. If any person is found to be recording within the courthouse, the bailiff of the court shall immediately confiscate the device, which will then be held by security officers and returned to the owner when he/she leaves the courthouse.

(c) Those individuals visiting the court for probation purposes shall place all personal possessions and cell phones into a bin provided at the security checkpoint. The security deputy will provide that bin to probation staff to maintain until the probationer's visit is complete and he/she leaves the courthouse.

(d) Failure to comply with this rule may result in a finding of contempt and imposition of a fine up to \$250.00.

8.00 JURY INSTRUCTIONS:

Requests for special jury instructions shall be filed in the Judge's Office on all jury cases, seven (7) days prior to trial and shall include the text of the proposed instruction and citations of authority for any instruction requested by counsel.

9.00 JURY VIEW:

A request for a view by the trial jury shall be made at least fourteen (14) days prior to trial.

CRIMINAL/TRAFFIC DIVISION

10.00 DUTIES OF COUNSEL:

(a) Designation of Trial Counsel:

Attorneys may enter as counsel of record by filing a Notice of Appearance which shall include the name, Ohio Supreme Court registration number, office mailing address, attorney's telephone number and electronic mail address.

(b) Withdrawal of Counsel:

Counsel shall be allowed to withdraw from trial counsel responsibility only with the written consent of the assigned Judge/Magistrate. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and client and time and date of trial, if set. Withdrawal of counsel will not be approved if application is not made prior to five (5) working days of the trial date except for good cause shown.

(c) Traffic/Criminal Filings:

With the exception of traffic citations, minor misdemeanor citations and those complaints where the officer observed the offense take place, no criminal misdemeanor complaints shall be accepted for filing by the Clerk until and unless the Law Director's Office has first approved the filing of the complaint.

(d) Written "Not Guilty" Pleas:

"Not Guilty" pleas may be entered in writing prior to the date of arraignment in compliance with the requirements of Crim.R. 10. If the written plea is approved by the Judge/Magistrate, neither counsel nor Defendant are required to appear at the scheduled arraignment.

(e) Continuances:

- (i) Every request for a continuance shall be by written motion and will only be granted upon showing of good cause.
- (ii) All requests shall be served on the opposing counsel or the opposing party.

- (iii) The motion shall set forth the date from which a continuance is requested and reasons for the requested continuance.
- (iv) If a prior trial conflict exists, the date of scheduling shall be stated, with a copy of the notice attached to the motion.
- (v) Entries shall accompany the motions with blanks for the new trial time and date, and if agreed to by opposing counsel.
- (vi) No request for continuance will be considered if made less than seven (7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial.

(f) Motions Practice:

- (i) All motions, except those normally made at the trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Criminal Procedure and/or Ohio Traffic Rules.
- (ii) Motions are to be supported by Memoranda of Law containing applicable statutory and case law citations.
- (iii) No motion will be set for hearing unless provided by existing rule or the following statement appears prominently upon the first page of the motion: "Counsel Requests an Oral Hearing of Approximately _____ Minutes at Which Time _____ Witness will be Called."
- (iv) A date and time for oral hearings on motions must be obtained from the Assignment Commissioner.
- (v) Parties wishing to respond in writing to such motions shall do so not later than the fourteenth day following service of the motion or three (3) days prior to the scheduled oral hearing date.
- (vi) All motions where an oral hearing is not required or requested, shall be accompanied by a proposed entry.

11.00 VIOLATIONS BUREAU:

(a) Traffic Violations Bureau:

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13, with authority to process and dispose of those traffic offenses for which no court appearance is required.

(b) Minor Misdemeanor Violations Bureau:

In accordance with the Rule 18 of the Rules of Superintendence for the Courts of Ohio and Ohio Rules of Criminal Procedure Rule 4.1, there is hereby established a Minor Misdemeanor Violations Bureau, with authority to process and dispose of minor misdemeanors for which no court appearance is required. A schedule of fines and costs shall be prominently displayed in the clerk's office and shall be attached to these rules.

12.00 CRIMINAL/TRAFFIC DIVISION CASE MANAGEMENT:

(a) Purpose:

The purpose of this rule is to establish a system for criminal/traffic case management which will provide the fair and impartial administration of criminal/traffic cases. These rules shall be construed and applied to eliminate unnecessary delay.

(b) Clerical Steps:

- (1) The clerk shall promptly process all complaints filed. All cases filed will be tracked by event in accordance with the Supreme Court reporting requirements utilizing the worksheet provided by the Ohio Supreme Court.
- (2) Upon the filing of a not guilty plea (written or verbal), the clerk shall immediately forward the case to the Assignment Commissioner for scheduling.
- (3) Upon the filing of a motion, the clerk shall immediately forward the motion and case file to the office of the Judge or Magistrate for review.

(c) Judicial Steps:

- (1) Motions. All motions not heard or decided prior to trial will be disposed of at trial.
- (2) Court Trials. In all cases where a jury has not been demanded a court trial shall be scheduled by the Assignment Commissioner to be heard within time period set forth by law.
- (3) Pretrials/Jury Trials. In all cases where a jury demand has been filed, a pretrial shall be scheduled by counsel, who are to notify the court in writing of the outcome of the pretrial.

CIVIL DIVISION

13.00 DUTIES OF COUNSEL

(a) Designation of Trial Counsel:

Attorneys will designate their capacity as trial counsel on all documents in civil cases and by written notice which shall include name of attorney, office address, zip code, telephone number, and email address.

(b) Withdrawal of Counsel:

Counsel shall be allowed to withdraw from trial counsel responsibility with the consent of the assigned Judge or Magistrate. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client and time and date of trial, if set.

(c) Continuances:

- (i) Every request for a continuance shall be by written motion and will only be granted upon showing of good cause.
- (ii) All requests shall be served upon the opposing counsel or party.
- (iii) The motion shall set forth the date from which a continuance is requested, reasons for the continuance and certificate of service on opposing counsel and/or client.
- (iv) If a prior trial conflict exists, the date of scheduling shall be stated, with a copy of the notice attached to the motion.
- (v) Entries shall accompany the motions with blanks for the new trial time and date, and if agreed to by opposing counsel.
- (vi) No request for continuance will be considered if made less than seven (7) days before trial except for circumstances which by reasonable diligence could not be determined seven (7) or more days prior to trial.

(d) Motions Practice:

- (i) All motions, except those normally made at the trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Civil Procedure.
- (ii) Motions are to be supported by Memoranda of Law containing applicable statutory and case law citations.
- (iii) No motion will be set for hearing unless provided by existing rule or the following statement appears prominently upon the first page of the motion: "Counsel Requests an

Oral Hearing of Approximately _____ Minutes at Which Time _____ Witness will be Called.”

(iv) A date and time for oral hearings on motions must be obtained from the Assignment Commissioner.

(v) Parties wishing to respond in writing to such motions shall do so not later than the fourteenth day following service of the motion or three (3) days prior to the scheduled oral hearing date.

(vi) All motions where an oral hearing is not required or requested, shall be accompanied by a proposed entry.

(e) Pretrial procedure:

No case, except a Forcible Entry and Detainer action, shall be called for trial unless a pre-trial conference has been held. It shall be the duty of counsel to do the following at civil pretrial hearings:

(i) Appearance. The counsel who will be trial counsel and who is authorized to act and negotiate on behalf of the party must be present. Telephone or video conferences may be arranged with approval of the Judge or Magistrate.

(ii) Statements. Each counsel shall present to the Court in writing, at least 48 hours before a pretrial hearing, a written Pretrial Statement on the form provided by the court.

(f) Jury Trial:

An advance deposit of Three Hundred Fifty Dollars (\$350.00) is required at least seven (7) days prior to the trial date or the jury is deemed waived.

14.00 DEFAULT JUDGMENT:

All Motions for Default Judgment shall be in writing and clearly state the date the complaint was filed, how service was made, proof of service and answer date. All Motions for Default Judgment shall also contain a list of claimed damages supported by documentary or other evidence. A proposed entry shall accompany the motion.

15.00 FORCIBLE ENTRY AND DETAINER ACTIONS:

(a) Appearance:

Plaintiff's failure to appear will result in the case being dismissed without prejudice.

(b) Writ of Restitution:

The plaintiff shall file with the Clerk a praecipe for a Writ of Restitution within 30 days after the date of the judgment unless the Magistrate or Judge issues the writ at the time of the hearing.

Upon the receipt of the order of the Court, the Clerk shall issue to the Bailiff a Writ of Restitution for the premises and the Bailiff shall execute the writ within ten days unless a written motion for stay has been filed.

(c) Set-out Procedure:

Should actual physical eviction of property be required pursuant to a Writ of Restitution of premises, Plaintiff shall arrange for sufficient workers to be present to accomplish the set out within 1 hour under the supervision of the Bailiff.

16.00 SMALL CLAIMS DIVISION:

(a) Purpose:

The Small Claims Division of The Cambridge Municipal Court is established and operated pursuant to Chapter 1925 of the Ohio Revised Code and the Rules of Court of The Cambridge Municipal Court.

(b) Hearings:

All cases shall be heard by the Judge or a Magistrate appointed by the Court, in accordance with Civil Rule 53. All proceedings shall be audio recorded.

(c) Copies:

Plaintiffs are required to submit two (2) copies of all supporting documents for the complaint at the time of filing.

(d) Continuances:

No continuance will be permitted less than seven (7) days prior to the hearing unless approved by the Magistrate for good cause shown.

(e) Counter-claims:

Counter-claims may be filed by Defendant for a claim arising out of the same incident and will be heard and decided at the same time as the complaint.

APPENDICES

- APPENDIX A: CRIMINAL/TRAFFIC DIVISION COURT COST SCHEDULE
- APPENDIX B: CIVIL DIVISION COURT COST SCHEDULE
- APPENDIX C: CIVIL POUNDAGE APPENDIX

ADOPTION OF LOCAL COURT RULES

The following Rules are adopted for the governance of the practice and procedures in the Cambridge Municipal Court effective until otherwise provided, pursuant to Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Ohio Supreme Court Rules of Superintendence for the Courts of Ohio and have been adopted to provide for the efficient and expeditious management of business before this Court. These Rules are to be known as the Cambridge Municipal Court Rules of Practice and Procedure and may be cited as CMCR No. _____. The Clerk of Court is ordered forthwith to post this Order and the Rules (attached hereto). The Clerk of Court is further ordered to maintain copies of these Rules for review as requested by litigants and/or their counsel and to provide copies as requested charging only for the cost of copying. The Clerk of Court is further ordered to maintain a copy of these Rules on the Court's website.

IT IS SO ORDERED.

Effective Date: February 1, 2024

JUDGE STEPHANIE L. WILLIAMS

Administrative & Presiding Judge